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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,549	02/02/2000	GEORGE KING	96P7613US03	5563

7590 05/23/2002

Siemens Corporation
Intellectual Property Department
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[REDACTED] EXAMINER

QURESHI, AFSAR M

ART UNIT	PAPER NUMBER
2662	[REDACTED] B

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/496,549	KING, GEORGE	
	Examiner Afsar M Qureshi	Art Unit 2662	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
Period for Reply			
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 			
Status			
<p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>07 March 2002</u>.</p> <p>2a)<input type="checkbox"/> This action is FINAL. 2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>			
Disposition of Claims			
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>32-39</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>32-39</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>			
Application Papers			
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.</p> <p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>			
Priority under 35 U.S.C. §§ 119 and 120			
<p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <ol style="list-style-type: none"> 1.<input type="checkbox"/> Certified copies of the priority documents have been received. 2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p>a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>			
Attachment(s)			
<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____</p>		<p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____</p>	

DETAILED ACTION

1. In view of the Brief on Appeal filed on March 7, 2002, PROSECUTION IS HEREBY REOPENED. Rejection, based on new art, is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. An attempt was made to contact the attorney for Applicant (s), Brian K. Johnson, dated May 3, 2002, and a message was left stating the reopening of prosecution as above.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 32-39 are rejected under 35 U.S.C. 102(b) as being anticipated by McHale (US 5,668,857).

Claim 32. McHale discloses a method and apparatus for sending data directly to a router by **intercepting** data at splitter 50 that is coupled to **subscriber line 16** (see figure 1). The splitter divides each incoming twisted pair subscriber line into a twisted pair phone line and a twisted pair data line. Telephone service is provided to telephone switch 56 and data is sent directly to **router 60** via data line 54 **bypassing** switch 56 (see col. 2, lines 31-37 and col. 4, lines 22-36).

Claims 33-36. As can be seen from figure 1, the data is intercepted; at the splitter 50, **ahead of switch 56** (claim 33), **switching network 64** (claim 34), and a **remote line termination unit** such as router 60 (claim 36).

McHale discloses an input / output circuitry 118 (see figure 3) of communication server 58 connecting to the data line (see col. 8, lines 5-13) inherently working as a **switch interface module** (claim 35).

Claims 37 and 39. Assigning a logical identifier to the data is inherent in that a data from subscriber 12 (McHale - figure 1) will have to be assigned an address for the data

to reach its destination. Also, associating a data with the subscriber line is inherent in that without associating the data with a particular port or subscriber line the data cannot be routed. For example, if a data is forwarded from a network 64 (McHale - figure 1) and to be routed to subscriber 12, it is necessary that the data is to be associated to a port or subscriber line coupled to subscriber 12.

Claim 38. Means for intercepting data on the subscriber line and means for sending data (splitter 50) to the router bypassing the switch is already discussed in the rejection of claim 32.

Response to Arguments

5. Applicant's arguments, filed on March 7, 2002, with respect to claims 32-39 have been considered but are moot in view of the new ground(s) of rejection.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McHale (US 6,088,430) discloses a communication server that provides data service to a number of subscribers using a reduced number of XDSL communication facilities. Twisted pair subscriber lines are coupled to the computers; the computers are coupled to the splitter. The splitter splits lines into data lines and phone lines.

Renner et al. (US 5,214,650) disclose a data adapter for simultaneously providing a low speed channel, and high speed channels over two wire connection. A signal processor performs rate adaption and deadaption protocol on the high speed channels. A serial

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transceiver, connected between a signal processor and a data processing equipment, converts data between the signal processor and the data processing equipment.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M Qureshi whose telephone number is (703) 308 8542. The examiner can normally be reached on Compressed (9 Hrs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305 4744. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308 6306 for regular communications and (703) 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305 4700.



HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600



Afsar M Qureshi
Examiner
Art Unit 2662

May 20, 2002